IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 28593 of 2007(D)

PETITIONER:

VASUKUTTAN NAIR,
S/O LATE C.K.NARAYANA PILLAI,
AGED 58 YEARS, MAYAVILASOM, KURILIMUTTOM P.O.,
EDAYARAMMULA, PATHANAMTHITTA.

BY ADV. SRI.B.SATHIQ
SRI.C.ANIRUDHAN

RESPONDENTS:

1. SASI KUMAR,
S/O.KUNJUKRISHNA PILLAI,
EDATHILETTUM PUTHEN VEEDU,
KIDANGANOOR, KOLTA-PO,
PATHANAMTHITTA.

2. TAHSILDAR(RR), RR OFFICE,
PATHANAMTHITTA.

R2 BY G.P. SHRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.28593 of 2007

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Dated this the 27th day of October, 2007

J U D G M E N T

The petitioner is the employer in W.C.C.No.79/1997 before the Commissioner for Workmen's Compensation, Thiruvananthapuram. He is challenging Ext.P1 order passed by the Workmen's Compensation Commissioner in that case as also Ext.P4 order wherein the petitioner's application for setting aside the exparte order has been dismissed. I am not inclined to entertain this writ petition solely on the ground of unexplained delay and laches. Ext.P1 order was passed as early as on 30.6.2003. Ext.P4 order was also passed on 10.11.2003. The petitioner has not done anything in the matter for four long years. The only explanation given in the writ petition is that this is because the advocate has not advised the petitioner properly and he had been telling the petitioner that application for setting aside the exparte order is still pending. The petitioner has not made available any material in support of his explanation. If such explanations are to be accepted, then any party can make such

averments to get delay condoned without verification of the contention by appropriate evidence. As such, I am not inclined to accept the explanation offered also. As such, the writ petition is liable to be dismissed for unexplained delay and laches. I do so. However, the learned counsel for the petitioner makes a fervent plea for time to pay the amount. Taking a lenient view, I dispose of this writ petition permitting the petitioner to pay the amounts demanded as per Ext.P1 to the 1st respondent as follows:

The petitioner shall pay an amount of rupees one lakh within one month from today. Balance shall be paid in four equal monthly instalments starting from 1.12.2007. Every subsequent instalment shall be paid on the first working day of every succeeding month. If the petitioner commits default in payment of any of the amounts, the 2nd respondent shall continue proceedings as initiated by Ext.P3 and take it to its logical conclusion.

Sd/-
sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.